

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.,*
Case No. 18-op-45090 (N.D. Ohio)

*The County of Cuyahoga, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 17-op-45004 (N.D. Ohio)

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**DECLARATION OF TARA A. FUMERTON
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF WALMART, INC.**

I, Tara A. Fumerton, declare as follows:

1. I am a partner at the law firm of Jones Day and counsel for Defendant Walmart Inc. (“Walmart”) in the above-captioned case.
2. I submit this declaration for the purpose of transmitting true and correct copies of exhibits to support Walmart’s motion for summary judgment.
3. Attached as Exhibit A is a true and correct copy of excerpts from Walmart Inc.’s Fourth Amended and Supplemental Objections and Responses to Plaintiffs’ First Set of Interrogatories to Wal-Mart Inc., which were served in the above-captioned case.
4. Attached as Exhibit B is a true and correct copy of excerpts from Walmart Inc.’s Responses to Plaintiffs (First) Combined Discovery Requests to National Retail Pharmacies Defendants, which were served in the above-captioned case and marked as Exhibit 7 to the 30(b)(6) deposition of Susanne Hiland.

5. Attached as Exhibit C is a true and correct copy of a declaration submitted by Krista Tongring and dated June 20, 2019, attaching her expert report in support of Walmart in the above-captioned case.

6. Attached as Exhibit D is a true and correct copy of excerpts from the transcript of the deposition of Susanne Hiland as Walmart's 30(b)(6) designee, which was held on January 22, 2019 in the above-captioned case.

7. Attached as Exhibit E is a true and correct copy of excerpts from the transcript of the individual deposition of Susanne Hiland, which was held on January 23, 2019 in the above-captioned case.

8. Attached as Exhibit F is a true and correct copy of excerpts from the transcript of the deposition of Gregory Beam, which was held on January 15, 2019.

9. Attached as Exhibit G is a true and correct copy of excerpts from the transcript of the deposition of Ramona Sullins, which was held on January 4, 2019.

10. Attached as Exhibit H is a true and correct copy of excerpts from the transcript of the deposition of Patsy Little, which was held on December 14, 2018 in the above-captioned case.

11. Attached as Exhibit I is a true and correct copy of excerpts from the transcript of the deposition of JoLynn Coleman, which was held on December 13, 2018 in the above-captioned case.

12. Attached as Exhibit J is a true and correct copy of excerpts from the transcript of the deposition of Miranda Johnson, which was held on December 12, 2018 in the above-captioned case.

13. Attached as Exhibit K is a true and correct copy of excerpts from the transcript of the deposition of Chad Ducote, which was held on November 16, 2018.

14. Attached as Exhibit L is a true and correct copy of excerpts from the transcript of the deposition of Thomas Prevoznik, which was held on April 17, 2019, April 18, 2019, and May 17, 2019 in the above-captioned case.

15. Attached as Exhibit M is a true and correct copy of excerpts from the transcript of the deposition of Joseph Rannazzisi, which was held on April 26, 2019 and May 15, 2019 in the above-captioned case.

16. Attached as Exhibit N is a true and correct copy of excerpts from the transcript of the deposition of Kyle Wright, which was held on February 28, 2019 in the above-captioned case.

17. Attached as Exhibit O is a true and correct copy of excerpts from the transcript of the deposition of Derek Siegle, which was held on January 23, 2019 in the above-captioned case.

18. Attached as Exhibit P is a true and correct copy of excerpts from the transcript of the deposition of Christopher Kippes, which was held on January 18, 2019 in the above-captioned case.

19. Attached as Exhibit Q is a true and correct copy of excerpts from the transcript of the deposition of Gerald Craig, which was held on January 11, 2019 in the above-captioned case.

20. Attached as Exhibit R is a true and correct copy of excerpts from the transcript of the deposition of Eric Hutzell, which was held on January 8, 2019 in the above-captioned case.

21. Attached as Exhibit S is a true and correct copy of excerpts from the transcript of the deposition of Hylton Baker, which was held on December 19, 2018 in the above-captioned case.

22. Attached as Exhibit T is a true and correct copy of excerpts from the transcript of the deposition of Shane Barker, which was held on November 28, 2018 in the above-captioned case.

23. Attached as Exhibit U is a true and correct copy of excerpts from the transcript of the deposition of Craig McCann, which was held on May 10, 2019 in the above-captioned case.

24. Attached as Exhibit V is a true and correct copy of excerpts from the expert report of Craig J. McCann, which was submitted on behalf of Plaintiffs in the above-captioned case.

25. Attached as Exhibit W is a true and correct copy of excerpts from the expert report of Seth B. Whitelaw, which was submitted on behalf of Plaintiffs in the above-captioned case.

26. Attached as Exhibit X are true and correct copies of registration certificates issued by the Drug Enforcement Administration, which were produced by Walmart in the above-captioned case with the Bates numbers WMT_MDL_000055657, WMT_MDL_000055659, WMT_MDL_000055651, WMT_MDL_000055652, WMT_MDL_000043227, WMT_MDL_000043228, WMT_MDL_000043218, WMT_MDL_000043221, WMT_MDL_000043214, WMT_MDL_000055635, WMT_MDL_000043211, WMT_MDL_000055639, WMT_MDL_000043212, and WMT_MDL_000055642.

27. Exhibit Y is a true and correct copy of a license issued by the State of Ohio, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000055644.

28. Attached as Exhibit Z are true and correct copies of licenses issued by the States of Indiana, Maryland, and Arkansas, which were produced by Walmart in the above-captioned

case with the Bates numbers WMT_MDL_000011611, WMT_MDL_000011616, and WMT_MDL_000011618.

29. Attached as Exhibit AA is a Walmart document titled “Asset Protection Diversion Standard Operating Procedures,” dated September 2009, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000055445 – 50.

30. Attached as Exhibit BB is a Walmart document titled “Asset Protection Prescription Area Security,” dated September 2009, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000057054 – 59.

31. Attached as Exhibit CC is a Walmart document titled “Pharmacy Manual: Controlled Substance Monitoring,” dated November 2010, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000011106.

32. Attached as Exhibit DD is a Walmart document titled “Pharmacy Manual: Security,” dated July 2011, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000000879 – 81.

33. Attached as Exhibit EE is a true and correct copy of a Reddwerks memorandum with the subject “Pharma Enhancements SOPs,” dated December 2011, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000060643 – 49.

34. Attached as Exhibit FF is a Walmart document titled “Pharmacy Manual: Shipping,” dated February 2013, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000011061 – 65.

35. Attached as Exhibit GG is a Walmart document titled “Controlled Substances Suspicious Order Monitoring,” dated August 2014, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000008377 – 79.

36. Attached as Exhibit HH is a Walmart document titled “Pharmacy Manual: Evaluating Orders of Interest and Suspicious Order Reporting,” dated September 2014, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000011107 – 09.

37. Attached as Exhibit II is a Walmart document titled “Pharmacy Manual: DC Security,” dated January 2016, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_00000882 – 84.

38. Attached as Exhibit JJ is a Walmart document titled “Pharmacy Manual: DC Security,” dated February 2017, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_00000885 – 888.

39. Attached as Exhibit KK is a Walmart document titled “Health and Wellness Manual: Cage/Vault Orderfilling,” dated June 2017, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_00000840 – 42.

40. Attached as Exhibit LL is a Walmart document titled “Filling Schedule II Prescriptions,” dated March 2018, which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000043074 – 79.

41. Attached as Exhibit MM is a QuintilesIMS document titled “BuzzeoPDMA Suspicious Order Monitoring (SOM) Model,” which was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000007499.

42. Attached as Exhibit NN is a true and correct copy of excerpts from a spreadsheet containing data on dispensing by Walmart pharmacies in Summit and Cuyahoga counties that was produced by Walmart in the above-captioned case with the Bates number WMT_MDL_000058588.

43. Attached as Exhibit OO are documents relating to the DEA's inspection of Walmart's distribution center in Bentonville, Arkansas in September 2009, which were produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000053942 – 55.

44. Attached as Exhibit PP are documents relating to the DEA's inspection of Walmart's distribution center in Bentonville, Arkansas in July 2012, which were produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000053976 – 54000.

45. Attached as Exhibit QQ is a true and correct copy of an email chain from Kari Baker (Walmart) dated February 23, 2007, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000058832.

46. Attached as Exhibit RR is a true and correct copy of an email from Edward O'Brien (Walmart) dated October 28, 2009, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000057262.

47. Attached as Exhibit SS is a true and correct copy of an email and attachment from Edward O'Brien (Walmart) dated October 28, 2009, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000018827 – 29.

48. Attached as Exhibit TT is a true and correct copy of an email from Edward O'Brien (Walmart) dated November 5, 2009, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000057263.

49. Attached as Exhibit UU is a true and correct copy of an email chain (without attachments) from Vicky Sinclair (Walmart) dated December 2, 2010, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000008265 – 66.

50. Attached as Exhibit VV is a true and correct copy of an email chain from Nick Tallman (Walmart) dated September 21, 2011, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000034284.

51. Attached as Exhibit WW is a true and correct copy of an email from Kevin McGlynn (NABP) dated November 7, 2011, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000058848.

52. Attached as Exhibit XX is a true and correct copy of an email chain from Caroline Riogi (Walmart) dated October 9, 2014, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000057252 – 53.

53. Attached as Exhibit YY is a true and correct copy of an email from Craig Siwik (NABP) dated August 7, 2015, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000058849.

54. Attached as Exhibit ZZ is a true and correct copy of an email chain from Miranda Johnson (Walmart) dated March 2, 2018, which was produced by Walmart in discovery in the above-captioned case with the Bates number WMT_MDL_000055279 – 80.

55. Attached as Exhibit AAA is a true and correct copy of a page from the website of the National Association of Boards of Pharmacy, which was obtained from <https://nabp.pharmacy/programs/vawd/> on June 24, 2019.

56. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 28th day of June, 2019.

/s/ Tara A. Fumerton

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